

Remarks

Claims 1-8, 11 and 12 are pending.

Claims 3-5 are canceled.

Claim 1 is amended.

Claims 1, 2, 6-8, 11 and 12 will be pending upon entry of this Amendment.

Claim 1 is amended to include the limitations of claims 3-5.

No new matter is added.

Claims 1-8, 11 and 12 remain rejected under 35 USC 103(a) as being unpatentable over Lacroix, U.S. Pat. No. 4,111,650 in view of Pedrazzi, U.S. Pat. No. 5,665,871.

Claims 1-8, 11 and 12 remain rejected under 35 USC 103(a) as being unpatentable over Lacroix in view of Wunderlich, U.S. Pat. No. 5,489,330.

Lacroix (Abstract) discloses:

15-50% by weight a dye of the formula CuPc [SO₂NH(CH₂)₃N(CH₃)₂]_{2 to 3} [SO₃H]_{1 to 2}

30-65% by weight water

5-15% by weight N-methylpyrrolidone

1-7% by weight benzyl alcohol and

1-5% by weight of a lower aliphatic carboxylic acid.

Lacroix does not teach ε-caprolactam.

Pedrazzi and Wunderlich are cited as teaching the equivalence of ε-caprolactam and N-methylpyrrolidone as solubility improvers in dyeing compositions.

Applicants have presented a Rule 132 Declaration by Dr. Adolf Kaeser. In the Kaeser Declaration, a formulation (A) containing present ϵ -caprolactam is compared to a prior art formulation (B) containing N-methyl pyrrolidone. The viscosities of the two formulations are measured at 5°C and 25°C. Formulation (A) exhibits significantly lower viscosity. This improved lower viscosity is surprising and of considerable importance in a paper making process due to improved pumpability of the dye solutions. This is mentioned on page 1, paragraph 4 of the disclosure.

This viscosity improvement could not have been foreseen based on the disclosure of the cited documents.

In the Declaration, the total weight of the formulations is 150g. The moist presscake contains 37.5% active dye. This provides for the following weight levels of the components of formulation (A):

17% dye
10% ϵ -caprolactam
3% formic acid
5% benzyl alcohol

The present claims are now aimed more exactly at the results of the Kaeser Declaration. Applicants submit that the Declaration supports the scope of the present claims.

The Kaeser Declaration did not specify the level of active dye in the moist presscake. Another Rule 132 Declaration is attached herewith, now specifying the level of dye. The new Declaration is unsigned. A signed version will be submitted shortly.

In view of the results of the Kaeser Declarations, Applicants submit that the 35 USC 103(a) rejections are addressed and are overcome.

The Examiner is kindly requested to reconsider and to withdraw the present rejections.

Applicants submit that the present claims are now in condition for allowance and respectfully request that they be found allowable.

Respectfully submitted,



Ciba Corporation
540 White Plains Road
P.O. Box 2005
Tarrytown, NY 10591-9005
Tel. (914)785-2783
Fax (914)785-7102

Tyler A. Stevenson
Agent for Applicants
Reg. No. 46,388

Attachment: Rule 132 Declaration (Dr. Kaeser, unsigned)